## REMARKS

The Office Action mailed November 28, 2006 has been reviewed and carefully considered. Claims 1 and 4-40 are presently pending. The Examiner rejects claims 1, 7, 9, 10, 20-24 and 28-40 under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1, 4, 9-15, 20-21, 25, 28-31, 33, 34 and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubinstein (U.S. Pat. No. 5,794,233) in view of Laage et al. (U.S. Pat. Pub. No. 2002/0138445) and in further view of Dissly et al. (U.S. Pat. No. 4,276,597). Claims 5-8, 17-19, 22-24 and 26-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubenstein in view of Laage and Dissly and in further view of Davis et al. (U.S. Pat. No. 6,269,361). Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubenstein in view of Laage and Dissly and in further view of Conklin et al. (U.S. Pat. Pub. 2002/0091621). Claim 32 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubenstein in view of Laage and Davis. Claim 35 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Rubenstein in view of Laage. Claims 36-39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Laage in view of Rubenstein.

The Examiner has rejected claims 1, 7, 9, 10, 20-24 and 28-40 under 35 U.S.C. 112, second paragraph, as being indefinite due to use of the phrase "one or more." It is respectfully submitted that the phrase "one or more" is functionally equivalent to "at least one" and would readily be understood by one of skill in the art. Thus, it is respectfully requested that this rejection be withdrawn.

Claims 1, 4, 9-15, 20-21, 25, 28-31, 33, 34 and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubinstein in view of Laage in further view of Dissly.

Claim 1 recites a computer implemented method for allowing transactions in instruments. The method comprises defining a set of one or more term-based concepts. Each of the concepts comprises a set of one or more terms usable in computerized searches. Transactions are allowed in a set of one or more instruments on a networked computer system with each of the instruments associated with one or more of the concepts. Each of the instruments is valued based at least in part on a utilization of the associated one or more concepts by one or more participants to locate information through the computerized searches.

In rejecting independent claim 1, the Examiner states that Rubinstein discloses a method for allowing transactions in instruments in which "each of the concepts being capable of being valued based on a set of one or more parameters (col. 6, lines 50-67)." *11/28/06 Office Action*, p. 3. Applicants note that independent claim 1 was amended in an Amendment submitted March 13, 2006 and no longer includes this element. Thus, to the extent that the rejection of independent claim 1 is based on this element, Applicants respectfully request that this rejection be withdrawn.

The Examiner correctly recognizes that neither Rubinstein nor Laage teaches or suggests "each of the instruments being valued based at least in part on a utilization of the associated one or more concepts by one or more participants to locate information through the computerized searches," but states that Dissly teaches this element.

Dissly discusses a method for identifying records having predetermined identifiable characteristics from a set of records in a base data file. *Dissly*, Abstract. A special retrieval file including arrays of binary coded elements is produced and

maintained from the base data file. *Id.* at col. 4, ll. 35-36. Each array of the retrieval file

corresponds to a particular predetermined identifiable characteristic of language structure

(e.g., a word) within or associated with the set of records, and each element in an array

represents the location of a particular one of the records in the base data file. *Id.* at col. 4,

ll. 36-39. The elements are binary coded to represent the presence or absence of the

predetermined identifiable characteristics associated with that particular array in the

corresponding record. *Id.* Thus, the binary value assigned to each element is hard-coded

depending on whether the predetermined identifiable characteristic is present.

Accordingly, Dissly does not assign values "based at least in part on a utilization of the

associated one or more concepts by one or more participants to locate information

through the computerized searches," as recited in independent claim 1.

Therefore, Applicants respectfully submit that neither Rubinstein nor

Laage nor Dissly, either alone or in combination, teaches or suggests "each of the

instruments being valued based at least in part on a utilization of the associated one or

more concepts by one or more participants to locate information through the

computerized searches," as recited in independent claim 1.

Further, the Examiner states that one of skill in the art would be motivated

to combine the teachings of Rubinstein, Laage and Dissly to expedite search processing.

Even assuming that Rubinstein and Dissly are related to search processing, Laage is

directed solely to systems and methods for protecting a payment instrument in non-face-

to-face transaction. *Laage*, Abstract; ¶ [0003]. Therefore, it is respectfully submitted

that Laage is in no way concerned with search processing, and, as such, there is no

motivation to combine the teachings of Laage with that of Rubinstein or Dissly.

Independent claim 33 recites elements that are substantially similar to independent claim 1 but cast as system elements. Substantially similar elements in independent claims 1 and 44 include "each of the instruments being valued based at least in part on a utilization of the associated one or more concepts by one or more participants to locate information through the computerized searches." Thus, it is respectfully submitted that independent claim 33 is allowable for at least for the reasons discussed above with reference to independent claim 1.

Independent claim 40 recites a method for allowing transactions in instruments on a networked computer system. The method comprises defining a set of one or more term-based concepts, applying the one or more concepts to produce a concept-based instrument and marketing the concept-based instrument to a community of participants over the networked computer system. Information regarding a utilization of the term-based concepts by the community of participants to locate information through computerized searches is accessed, and a value of the concept-based instrument is determined from the utilization information.

As stated above with reference to claim 1, neither Rubinstein, Laage nor Dissly teaches or suggests, either alone or in combination, that a value for an instrument is determined based, at least in part, on utilization of one or more concepts associated with the instrument by one or more participants to locate information through computerized searches. Independent claim 40 recites subject matter substantially similar to independent claim 1 including "accessing information regarding a utilization of the term-based concepts by the community of participants to locate information through computerized searches" and "determining a value of the concept-based instrument from

the utilization information." Because the binary values in Dissly are hard-coded, a value

of an instrument is not determined from information regarding utilization of term-based

concepts by a community of participants. Thus, it is respectfully submitted that

independent claim 40 is allowable for at least the same reasons as discussed above with

reference to independent claim 1.

Independent Claim 32 stands rejected under 35 U.S.C. § 103(a) as

unpatentable over Rubenstein in view of Laage and Davis, independent claim 35 stands

rejected under 35 U.S.C. § 103(a) as unpatentable over Rubenstein in view of Laage, and

independent claim 36 stands rejected under 35 U.S.C. § 103(a) as unpatentable over

Laage in view of Rubenstein. It is respectfully submitted that the Examiner has, <u>again</u>,

failed to consider the Amendment filed March 13, 2006 in which independent claims 32,

35 and 36 were amended. Thus, Applicants respectfully request that these rejections be

withdrawn.

To the extent that the Examiner would rely on Rubenstein, Laage, Dissly

or Davis in rejecting independent claims 32, 35 or 36, it is respectfully submitted that

neither of these references, either alone or in combination, teach or suggest "the

instruments being valued based at least in part on a utilization of the associated one or

more concepts by one or more participants to locate information through the

computerized searches." Thus, it is respectfully submitted that independent claims 32, 35

and 36 are allowable at least for the reasons stated above with reference to independent
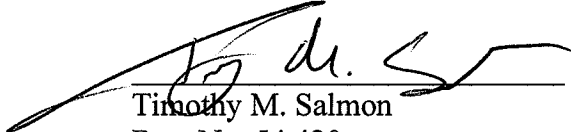
claim 1.

The dependent claims of the present application contain additional

features that further substantially distinguish the invention of the present application over

the prior art of record. Given Applicants' positions on the patentability of the independent claims, however, it is not deemed necessary at this point to delineate such distinctions.

For at least all of the above reasons, Applicants respectfully request that the Examiner withdraw all rejections and objections, and allowance of all the pending claims is respectfully solicited. To expedite prosecution of this application to allowance, the Examiner is invited to call the Applicants' undersigned representative to discuss any issues relating to this application.

Respectfully submitted,

Date: <u>February 28, 2007</u>

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